

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

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|---------------------------------|---|-------------------------------------|
| GARY L. WILT, | : | |
| Plaintiff, | : | Case No. 3:06cv125 |
| vs. | : | District Judge Thomas M. Rose |
| | : | Magistrate Judge Sharon L. Ovington |
| COMMISSIONER, | : | |
| Social Security Administration, | : | |
| Defendant. | : | |
| | : | |

DECISION AND ORDER

This case is before the Court upon Plaintiff's Motion For Award Of Attorney Fees And Costs Pursuant To The Equal Access To Justice Act (the EAJA), 28 U.S.C. §2412 (Doc. #12). The Commissioner has not filed a Memorandum in Opposition or otherwise opposed Plaintiff's Motion.

Plaintiff seeks an award of attorney fees under the EAJA in the amount of \$3,699.20 for 22.50 hours of attorney work in federal court plus an award of costs in the amount of \$350.00. Plaintiff thus seeks a total award of \$4,049.20. In the absence of opposition by the Commissioner, Plaintiff's Motion and supporting documents establish that he is entitled to an award of attorney fees and costs under the EAJA in the total amount he seeks.

Accordingly, the Court hereby **ORDERS** that:

1. Plaintiff's Motion For Award Of Attorney Fees And Costs Pursuant To The Equal Access To Justice Act, 28 U.S.C. §2412 (Doc. #12) is GRANTED;
2. The Commissioner shall pay Plaintiff's attorney fees and pursuant to the EAJA in the total amount of \$4,049.20; and
3. The case remains terminated on the docket of this Court.

October 6, 2008

***S/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge